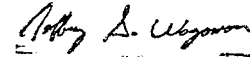


**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

STATE CORPORATION COMMISSION

Before Commissioners: John Wine, Chair  
Cynthia L. Claus, Commissioner  
Brian J. Moline, Commissioner

**AUG 31 2000**

 Docket  
Room

In the Matter of Southwestern Bell Telephone )  
Company of Kansas' Compliance with Section 271 ) Docket No.  
of the Federal Telecommunications Act of 1996 ) 97-SWBT-411 -GIT

**REPLY COMMENTS OF THE CITIZENS' UTILITY RATEPAYER BOARD**

COMES NOW the Citizens' Utility Ratepayer Board ("CURB") and files the following reply comments in this docket in response to the order of the State Corporation Commission of the State of Kansas ("Commission") issued on May 9<sup>th</sup>. In support of its position, CURB states and alleges as follows:

**PERFORMANCE MEASUREMENTS**

CURB's initial comments in this phase of the docket, filed May 22, 2000, emphasized the importance of performance measurements. Performance measurements are the best available subjective method of measuring how SWBT has implemented local competition. That opinion was supported by the Department of Justice when it stated:

"In evaluating the actual commercial experience of SBC's competitors, the Department and the Commission place great weight on the reported performance data; the reliability of the reported data is critical. To properly validate metrics, one must verify that they are meaningful, accurate and reproducible." *Meaningful*

*metrics* require clear definitions that will allow measurement of activities or processes in a way that has real-world, practical significance. *Accurate metrics* are faithful to established definitions in that they are correctly calculated from the proper subset of raw data using processes that ensure the data are accurately handled and transferred. *Reproducible metrics* can be reproduced at future dates for verification purposes because the raw data have been archived for an appropriate period in a secure, auditable form and because changes to the systems and processes used for gathering and reporting metrics are carefully controlled and fully documented.” (Evaluation of the United States Department of Justice, cc Docket No. 00-4, Feb. 14, 2000, Pg. 5-6.)

In those same comments CURB expressed concern over the paucity of data in the performance measurement data Southwestern Bell filed with their application. CURB pointed out that in SWBT’s March 16, 2000 filing, Attachments B-1 and B-2, they show that a total of 103 companies have filed for interconnection in Kansas, and of that total, 89 agreements have been approved. According to PM 27a, those 89 companies placed a combined residence and business total of 57,794 resold POTS (plain old telephone service) orders in the 12 months ending in March 2000. This is only an average of approximately 4800 orders per month, or an average of 54 orders per company per month. The volumes presented by SWBT, in the aggregate numbers and certainly in the disaggregated numbers in individual performance measurements as further discussed in CURB’s initial comments, are not sufficient to allow conclusions to be drawn.

The importance of using volumes **as reported** by SWBT in their performance measurements is emphasized by the Federal Communications Commission in the FCC Memorandum Opinion and Order adopted June 30, 2000 approving SWBT’s Texas 271 application. Throughout that order the FCC reiterated that their approval was based on legal requirements and data **as of the date** that SWBT made their application. For example, in Paragraph 27 the FCC states:

“Our rules vary with time, redefining the statutory obligations that govern the market. Just as our long-standing approach to the procedural framework for 271

applications focuses our factual inquiry on a BOC's **performance at the time of its application**, so too may we fix at that same point the local competition obligations against which the BOC's performance is generally measured for purposes of deciding whether to grant the application. Nothing in section 271 or any other provision of the Act compels us to require a BOC applicant to demonstrate compliance with new local competition obligations that were unrecognized **at the time the application was filed.**" (Emphasis added.) (FCC 00-238, June 30, 2000, Para. 27.)

In recognition of the importance of the performance measurements, the Kansas Corporation Commission Staff ("Staff") hired Snavelly King Majoros O'Connor and Lee, Inc., ("Snavelly King") to review the performance measurements in this docket. Snavelly King's comments are very telling. Among their statements in the Consultants' Report on SWBT Performance Measures are:

"Our analysis of the Application (Version 1.6) found some notable exceptions to either the intent of the stated performance measurements' Business Rules or that the data collection process did not meet the Business Rules' objectives." (Pg. 3.)

"Thus, SWBT has less data available to demonstrate the level of performance measurements for Section 271 compliance in Kansas than in Texas. Due to the lower level of commercial volumes in Kansas, there is simply less empirical evidence available to support its Section 271 compliance in Kansas compared to Texas." (Pg. 9-10.)

The Conclusion to the Snavelly King report states:

"The foregoing discussion raises important issues with respect to the acceptability of SWBT's application for section 271 relief in Kansas, or indeed, in any other relatively small state. The appropriate performance measurements' 'acceptability levels' that are to be applied for a state such as Kansas, with its current low level of CLEC customers, is a policy issue for the Kansas Commission." (Consultants' Report on SWBT Performance Measures, Pg. 12.)

Given the importance of performance measurements as stated above by the Department of Justice, given the concerns over volumes as stated by CURB and Snavelly King, and given the importance of examining data as it was tiled as stated by the FCC, it is interesting to note the

conclusion Staff arrives at regarding performance measurements. In Staffs Executive Summary they state:

“Although the consultants express concern with some of the measurements, Staff suggests these issues can be addressed during the six month review process and are not, standing alone, a reason to deny support of SWBT’s 271 application.” (Page 7.)

This conclusion is not appropriate given the importance of performance measurements. It is the performance measurements that show if competition is presently working in Kansas. Their importance should not be minimized in any way and the concerns with them presented by CURB, Snaveley King and other parties in this docket should be addressed now and not simply “addressed during the six month review process.”

What is clear is the Kansas Corporation Commission should base their examination of performance measurements on what was filed by SWBT, not on what has or has not happened since the filing was made. The low volumes presented in this filing do not allow a meaningful examination of how SWBT is currently responding, or will in the future respond, to requests from competitors. Given the importance of meaningful, substantial performance measures, and based on the low volumes currently present in Kansas, CURB once again recommends that the Commission find that the performance measurement data presented are not adequate to support SWBT’s request.

#### **KANSAS 271 INTERCONNECTION AGREEMENT (K2A)**

The development and implementation of a standard interconnection agreement is essential to the growth of competition. Large competitive local exchange carriers have the resources necessary to undergo often long and very expensive negotiations to hammer out all the details

necessary to enter the local telephone market. However, smaller companies are only able to opt in to an existing agreement that may or may not fit all of their requirements. A standard agreement that has benefitted from previous experience is the most viable source for an agreement for smaller companies. No standard agreement may ever meet each company's specific requirements, but every effort must be made to make the standard agreement as comprehensive and useful as possible.

Regarding the K2A Staff concludes, "Overall, Staff believes the K2A provides a viable interconnection agreement that, along with the optional attachments, satisfies SWBT's obligations under section 271." (Staff Recommendation, Section II, Pg. 2.) CURE3 concurs. As stated above, no standard agreement will ever totally satisfy any individual company. However, based on the comments filed by other parties in this docket, and based on CURB's limited review of the proposed changes, it appears that the K2A is a workable document that could assist companies without the resources to engage in full arbitration with SWBT to enter the local market in Kansas.

### **PERFORMANCE REMEDY PLAN**

CURB is very concerned with Staff's reliance on the Performance Remedy Plan to ensure future SWBT compliance with its local competition requirements. Staff states:

"While Staff finds that the Performance remedy Plan has some weaknesses, Staff believes that with the opportunity to review the Plan in the future and the commitment of the FCC to invoke its enforcement powers the proposed Plan is sufficient." (Staff Recommendation, Executive Summary, Pg. 6.)

This position is not acceptable. Any identified "weaknesses" in the remedy plan must be fixed before a final recommendation for 271 approval is granted. CURB's initial comments in this

phase of the docket emphasized that any reliance on a remedy plan is misplaced because the punitive aspect of the Performance Remedy Plan is not likely to be effective, and that if the review of SWBT's application is done properly, with adequate and substantial data that supports the finding that the local market in Kansas is irreversibly opened to competition, then the plan should not be needed. However, to recommend approval of an admittedly flawed remedy plan virtually guarantees the ineffectiveness of the plan. The final approved plan must contain sufficient incentives to at least make non-compliance something to not be taken lightly.

The basic remedies relied upon by the plan are revocation of 271 approval by the FCC and monetary penalties for non-compliance. The impact on consumers of either of these solutions could be considerable. If 271 approval were revoked, the consumers that had chosen SWBT as their primary interexchange carrier would presumably be forced to find a new long distance carrier. Clearly this remedy is not a consumer-friendly solution. Monetary penalties will likely either be insufficient to cause a company with the financial resources of SWBT to modify any unacceptable behavior or, if they are substantial, will likely be passed through to consumers in the form of higher rates. Again, not a consumer-friendly solution.

CURB reiterates the position that a recommendation for 271 approval should not be granted unless there is substantial verifiable data showing that the local exchange market is irreversibly open to competition. Only a fully competitive local market will ensure continued compliance with local competition requirements. A performance remedy plan, and certainly not an admittedly flawed plan, must be in place but must not be relied upon to ensure SWBT's future compliance with local competition requirements.

## **PUBLIC INTEREST STANDARD**

CURB filed initial comments on the public interest standard in this docket on July 19, 2000. CURB indicated that the public interest standard is the final overarching test of reasonableness for SWBT's 271 application and that the FCC and the Department of Justice have employed a fairly broad application of this standard to address 271 applications in other jurisdictions. CURB believes the public interest standard is an important and crucial final test of SWBT's 271 application which must consider Kansas-specific facts and circumstances, versus any inference that approval of SWBT's application in Texas merits virtual rubber-stamping of SWBT's application in Kansas.

### **Public Interest Dismissed by Staff**

Staff's recommendation on SWBT's 271 application has very little to say about the public interest standard, devoting only about three full pages to this issue in combined remarks at its Executive Summary and at pages 111 to 113 of Section I. Staff largely dismisses the importance of the public interest standard test in Kansas by deferring ultimate responsibility to the FCC and stating that the FCC will take appropriate action if SWBT begins to show signs of backsliding. Staff's conclusion on the public interest standard, at page 5 of its Executive Summary, states:

“In general, Staff suggests that it may be in the public interest to permit SWBT to provide in-region, interLATA services in Kansas. The Performance Remedy Plan and the enforcement powers granted by the FCC will ensure that SWBT continues to behave in a nondiscriminatory manner. As stated by the FCC, “Section 271 approval is not the end of the road for SWBT . . . The statutory regime makes clear that SWBT must continue to satisfy the “conditions

required for . . . approval” after it begins competing for long distance business...” Staff is confident that the FCC will take appropriate action should SWBT begin to show signs of “backsliding”, such as revocation of 271 approval.”

Staffs conclusion appears to be less than a whole-hearted endorsement of SWBT’s filing, from a public interest perspective. However, at the same time, Staff appears to be deferring responsibility to the FCC for any eventual problems which may develop regarding competition in Kansas and any backsliding by SWBT.

Staff states that “it may be” in the public interest to approve SWBT’s 271 application. Staffs use of the terminology “may be” is something less than a whole-hearted and confident endorsement of SWBT’s 271 application from a public interest perspective. This is indeed a curious position for Staff to take, and the Commission should carefully consider the implications. Staff believes that SWBT has met the 14-point competitive checklist, and Staff approves SWBT’s 271 filing - - yet Staff meekly states that SWBT “may” have met the public interest test. By its own recommendations, it appears that Staff believes the public interest standard is the least important requirement to meet and that SWBT should be given the benefit of the doubt regarding any issues pertaining to the public interest standard. CURB strongly disagrees with Staff. CURB believes the public interest standard of Section 271, combined with the statutory public interest standard in Kansas, should be a significant factor to consider in SWBT’s application. When Commission Staff places a lower emphasis on the public interest standard than any other standard, this should cause some alarm and signal careful consideration of Staffs other recommendations.

Finally, Staffs fallback position appears to be that if its recommendation does prove to be wrong or premature - - the FCC will ultimately take care of Kansas consumers, competitors and



related concerns via enforcement actions against SWBT. Once again, CURB would caution the Commission about this short-sighted position. CURB believes it will be the Commission, and not the FCC, which will have to take front-line responsibility for any ill effects of premature approval of SWBT's 271 application in Kansas. It will be the Commission, not the FCC, which will have to initiate, investigate and attempt to cure any negative impacts of premature approval. This will be a monumental and difficult undertaking after-the-fact, because SWBT will assume that 271 approval endorses a position of competitive markets in Kansas which makes them virtually untouchable. If SWBT's application is approved by the Commission, upon recommendation by Staff, the Commission cannot simply escape responsibility by hiding behind the FCC as Staff would imply. If effective competition for local exchange service fails to develop at a rapid pace in Kansas, if significant reductions in Kansas long distance rates do not develop shortly after approval of SWBT's application, if Kansas local exchange rates for SWBT exchanges do not decline or level out as a result of approval of the application, if service quality is not maintained or improved -- then it will be the Kansas Corporation Commission and not the FCC which will have to deal with these issues and answer to disgruntled Kansas consumers and competitors. The Commission cannot easily wash its hands of the significant implications of approval of SWBT's application. The FCC does not have direct jurisdiction over many of the aforementioned issues on a state-specific basis, so the Commission will have to deal with the aftermath of a premature or incorrect decision which brings little benefit or even negative results to consumers and competitors. In effect, it will have been the "public interest" which was compromised, but which should have been the most important consideration in SWBT's 271 application.

### **FCC Competition Data Does Not Support Full and Irreversible Competition**

CURB believes the Staff failed to understand, or properly consider, the full implications of the FCC's local competition data which CURB included as Table 1 and Attachment A (or inadvertently referred to as Table A in the text of the comments) in its July 19<sup>th</sup> comments.

Staff appears to have viewed the FCC local competition data in CURB's comments as strictly market share data and decided not to rely on this information in its recommendation. Staff's report<sup>1</sup> indicates that market share data is not relevant to consider for SWBT's 271 application. Staff appears to rely on the FCC's order which denied Ameritech Michigan 271 approval in 1997. However, there is some confusion regarding this issue, because Staff also points out that in this same order, "... the FCC did not preclude itself from considering competitive conditions or geographic penetration as part of its inquiry into the public interest aspect under section 271 (d)(3)(C). See *Ameritech Michigan Order*, 12 FCC Rcd at 20589, ¶ 79."

Regardless of these two contrasting positions pointed out by Staff, CURB believes that the FCC local competition data, and market share data, is relevant to consider under the public interest standard. Furthermore, the Ameritech Michigan order which Staff refers to was issued back in 1997. The FCC and Department of Justice continue to update and revise their evaluations of 271 applications, and it is more relevant to consider a recent 271 application. A better indication of the FCC and Department of Justice current intent and evaluation criteria comes from review of the SWBT Texas 271 application, the most recent 271 application addressed by the FCC and Department of Justice. In both the FCC order, and the Department of Justice evaluation, market

---

<sup>1</sup>Section I, page 3.

share data is evaluated and specifically relied upon to approve the Texas application<sup>2</sup>.

The FCC states in the approval of SWBT's Texas application', "The fact that SWBT has implemented the competitive checklist in Texas can be seen in the degree of entry into the local exchange market." However, the FCC's local competition data for Kansas contrasts sharply with the Texas data and supports rejection of the filing in Kansas. Therefore, the same logic which the FCC used to accept the Texas application would support a finding in Kansas that, "The fact that SWBT has not implemented the competitive checklist can be seen in the absence of entry into the local exchange market." In addition, if local competition data was irrelevant it is not clear why SWBT provided this information in its application. Some of the FCC's local competition data<sup>4</sup> which indicates the failure of SWBT to implement the competitive checklist, and the failure to meet a reasonable public interest standard, are identified in the following bullet points:

- % of UNE Loops - Out of 51 state jurisdictions, SWBT Kansas is tied for last with six<sup>5</sup> other RBOC's in other states in terms of the percent of UNE loops provided to CLECs. SWBT Kansas, and these six other RBOCs, provide less than ½ of 1% of their total loops through UNES to CLECs.
- % of UNE Loops - Related to the above, there are 685,000 UNE loops provided to CLECs nationally, and SWBT Kansas provides only about 1,000 of these 685,000 UNE loops- - or about 1/10 of 1% of total national UNE loops. Kansas is tied with states such as Nebraska and North Dakota, where one would assume that a 271 test could not be met because of the failure to meet a competitive checklist.

---

<sup>2</sup> CC Docket No. 00-65, released June 30, 2000, paragraphs 5 and 6.

<sup>3</sup> Id.

<sup>4</sup> Taken from the FCC's local competition data at Attachment A of CURB's July 19, 2000, comments.

<sup>5</sup> CURB's July 19, 2000, comments inadvertently reported that SWBT Kansas was tied for last with five other RBOCs, instead of the correct figure of six RBOCs.

the % or ratio of business/other resold lines to total resold lines, which is about 60%. In other words, out of 92,000 CLEC resold lines of SWBT Kansas, about 55,000 or 60%, of these lines are residential lines. About 26 states have a greater ratio of business/other resold lines than does SWBT Kansas, which is at 60%. In contrast, these states provide a significantly greater ratio of business/other resold lines - - Colorado 85%, Maine 99%, Massachusetts 88%, South Dakota 85%, W. Virginia 87%, etc.

- Kansas ranks among the last 8 to 12 states (among 51 state jurisdictions) in terms of the most important measurements of Collocation and UNE Loops provision (and Kansas essentially ties for last in terms of the percent of UNE Loops provisioned). Comparable industry data for the percent or amount of Facility-Based Loops is not available, but with Kansas CLECs only having 2% of the market share this has to probably rank Kansas among the last of the states for this statistic.
- In addition to the above data gleaned from the FCC's local competition report in the July 19<sup>th</sup> CURB comments, the Kansas Staff reports about 31,000 facilities-based CLEC access lines as of June 2000.<sup>8</sup> If total SWBT Kansas access lines/loops of 1,397,000 are used <sup>9</sup>, the 31,000 facilities based CLEC access lines represents a market share of 2.2% (31,000/1,397,000). The amount of 2% market share represents a substantially inadequate implementation of the competitive checklist by SWBT Kansas.

The most positive statistic for SWBT Kansas is the percent of resold lines to CLECs. However, resold lines are clearly the least important of all the local competition data previously evaluated since this represents resale of existing SWBT services and these lines are more susceptible to "reversing" or being reclaimed by SWBT. More emphasis should be placed on local competition data related to UNE Loops, Collocation and Facility-Based CLEC Lines. Based on the absence of any other available data, or more current data", the FCC local competition data and Staff information indicates serious problems with UNE Loops, Collocation and Facility-Based CLEC Lines in Kansas

---

<sup>8</sup> Per Section I, page 3, of Staff's report.

<sup>9</sup> As of June 30, 1999, from the FCC's local competition data at Attachment A of CURB's July 19<sup>th</sup> comments.

<sup>10</sup> As pointed out as a problem with performance measurements in the May 22, 2000, CURB comments and in these comments.

which does not support approval of SWBT's application. Statistics for UNE Loops, Collocation and Facility-Based CLEC Lines are a much better measurement of irreversible competition, and the FCC data for Kansas does not support a conclusion of full and irreversible competition. Resold Lines are much more easily lost back to SWBT, especially since SWBT can identify these lines and specifically market to these customers for their return. Therefore, it is possible for SWBT to backslide and reverse the impact of short-term CLEC gains in resold lines.

In contrast, UNE Loops, Collocation and Facility-Based CLEC Lines, are a much better measurement for the prospect of long-term and irreversible competition in Kansas. In addition, the CLEC has a larger dollar investment (fixed capital plus labor) and therefore a longer-term commitment to establishing and retaining these types of customers in Kansas. The fact that Kansas significantly lags the nation in most statistics related to UNE Loops, Collocation and Facility-Based CLEC Lines cannot be ignored regardless of any interpretation of the relative importance of "market share data" or the FCC's local competition data which CURB addressed in these comments.

There can be no other conclusion other than Kansas is not fully and irreversibly open to competition at this time. Any finding to the contrary would require the evaluation of additional data which shows significant improvements in the amount and percent of UNE Loops, Collocation and Facility-Based Lines for CLECs in Kansas, and this information is not present in SWBT's existing filing, and not publicly available through any other source at this time. In addition, the approval of SWBT's application would arguably justify the immediate approval of 271 status in at least 30 to 40 other state jurisdictions which have better indicators of full and irreversible competition than does Kansas - - based on the FCC's local competition data. It would be extremely unusual to place Kansas in the same category of competitive readiness as New York and Texas, based on the existing

information which is available for review.

### **Staff's Recommendation Void of Asserting any Benefits for Consumers**

Obvious by omission from Staffs Report is any language which discusses the benefits to consumers of approving SWBT's 271 application. Staffs recommendation does not identify or list any benefits which will accrue to consumers as part of the public interest standard or any other test. The FCC's news release, dated June 30, 2000, regarding authorizing of SWBT's Texas application indicates that, "Approval promises substantial benefits for consumers in the form of new service providers, lower prices, . . ." However, Staff does not indicate there will be any benefits from approval of SWBT's application, much less "substantial" benefits. Staff does not "promise" that there will be benefits to consumers either. Immediate and substantial benefits which consumers should enjoy and expect if SWBT application is approved include the following:

- Significant reductions in intrastate long distance rates.
- A leveling out or reduction in basic local exchange rates in SWBT exchanges.
- Rapid development of effective competition for local service in SWBT exchanges.
- Service quality should be maintained at the minimum, and arguably increase.
- Increase in the type of services and technology available to consumers.

If SWBT's application is approved consumers should expect (and essentially be promised) the previously mentioned benefits, although CURB does not believe that SWBT is committed to providing any of these benefits or that it will provide any of these benefits by its own actions. At best, additional actions will need to be initiated by the Commission to produce some of these

benefits, and the Commission can and should take these types of actions without approving SWBT's 271 application.

As an example of one potential benefits previously identified, SBLD will offer residential customers a basic long distance rate of only 9 cents/minute -- such as it is providing in Texas as a result of its 271 approval in that state. This is not a substantial or unique benefit to be associated with SBLD's entry into the interLATA arena because long distance carriers today already offer lower long distance rates than 9 cents/minute in Kansas. Even if one assumes that 10 cents a minute is fairly common in today's market, and that some customers could save 1 cent a minute by selecting SBLD, this is not a substantial savings to consumers when compared to the offsetting rewards which SBC will reap from approval - - especially when long-term competition is compromised. Staff's report does not address potential consumer benefits, or even assert there will be any, and this seems to be a significant oversight which does not warrant approval of SWBT's application.

While Staff does not address CURB's earlier remarks about long distance rate reductions and lack of benefits from approving SWBT's application, Staff does support SWBT's thinly veiled access arguments. Staff asserts in its report that the price squeeze and unfair access pricing advantage is a red herring" because SBLD will have to purchase access from SWBT at the same access rates as competitors. Therefore, Staff concludes that SBLD will not enjoy any advantage over its competitors. CURB believes that only a remedial understanding of accounting is necessary to understand that this superficial "paper entry" will have no impact on consolidated operations of SBC. This is a matter of substance over form. No matter how much SBLD pays its affiliate SWBT for access charges, these amounts wash out when total financial operations are consolidated and the

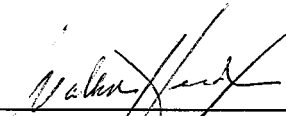
---

<sup>11</sup>Page 107 and 108 of Section I.

same amount of revenue which SWBT receives for access charges from SBLD is netted with the expense which SBLD pays SWBT - - to produce a net zero affect on consolidated SBC operations as reported in audited external financial statements. In fact, this entry has no effect on SBC's financial position and is not even footnoted or disclosed in financial statements. From a pure legal interpretation of the Federal Act, SBLD and SWBT are allowed to conduct access transactions in this manner. However, for Staff to say this issue is a "red herring" is not accurate because SBLD will enjoy a substantial advantage over competitors because of this affiliate relationship with SWBT and SBC. This transaction may be technically "legal", but that doesn't make it fair and reasonable to competitors.

The obvious lack of entry into the local exchange market by competitors in Kansas is an indication that the competitive checklist has not been fully and effectively implemented in Kansas by SWBT and CURB strongly recommends denying SWBT's 271 application.

Respectfully submitted,



---

Walker Hendrix #08835  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604




VERIFICATION

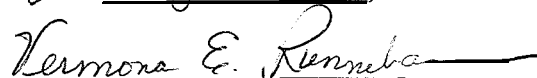
STATE OF KANSAS)  
COUNTY OF SHAWNEE )

ss:

The undersigned, being of lawful age and upon oath duly sworn, states that he is a consultant for the Citizens' Utility Ratepayer Board; that he has read the foregoing Reply Comments, knows the contents thereof; and that the statements contained therein are true.

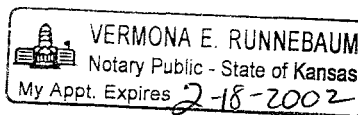
  
\_\_\_\_\_  
Walker Hendrix

Subscribed and sworn to before me this 31 day of August, 2000.

  
\_\_\_\_\_  
Notary Public

My Appointment Expires:

2-18-2002



## CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing Reply Comments, was placed in the United States mail, postage pre-paid on this 3 1st day of August, 2000 to all parties on the Commission's official mailing list.

Eva Powers  
Kansas Corporation Commission  
1500 S.W. Arrowhead Road  
Topeka, KS 66604

April J. Rodewald  
Bruce A. Ney  
Michelle B. O'Neal  
220 E. Sixth St. Room 515  
Topeka, KS 66603-3596

Marc E. Elkins  
Lisa J. Hansen  
Morrison & Hecker  
2600 Grand Ave.  
Kansas City, MO 64108

Stephen D. Minnis  
Sprint/United Telephone Co  
5454 W. 110th St.  
Overland Park, KS 662 11

Thomas E. Gleason, Jr.  
Gleason & Doty  
P.O. Box 490  
Ottawa, KS 66067-0490

Robert A. Ganton  
Office of the Judge Advocate General  
Dept. of the Army  
902 North Stuart St.  
Arlington, VA 22203-1837

Jay Scott Emler  
Liberty Cellular Inc.  
P.O. Box 5090  
Salina, KS 67402-5090

Michelle S. Bourianoff  
AT&T Communications of the SW  
919 Congress Ave., Suite 900  
Austin, TX 78701

Mark P. Johnson  
Sonnenschein Nath & Rosenthal  
4520 Main St. Suite 1100  
Kansas City, MO 64111

C. Michael Lennen  
Morris Laing Evans Brock & Kennedy  
200 W Douglas, Fourth Floor  
Wichita, KS 67202-3084

Andrew O. Isar  
Telecommunications Resellers Assoc.  
4312 92nd Ave. N.W.  
Gig Harbor, WA 98335

Victor A. Davis, Jr.  
Wendy L. Kaus  
Weary Davis Henry Struebing & Troup  
P.O. Box 187  
Junction City, KS 66441

James R. Roth  
Woodward, Hernandez, Roth & Day  
257 North Broadway, Suite 300  
Wichita, KS 67202

Rose Mulvaney  
Birch Telecom of Kansas  
2020 Baltimore  
Kansas City, MO 64108

Global Crossing Telemanagement  
Kathy Murray, Attorney  
1221 Nicollet Mall, Suite 300  
Minneapolis, MN 55402-2420

Brian Lippold  
Adelphia Business Solutions of KS  
P.O. Box 337  
Wichita, KS 67201-0337

Bradley Kruse  
McLeodusa, Inc.  
P.O. Box 3 177  
Cedar Rapids, IA 52406-3 177

Christopher Goodpastor  
Covad Communications Co.  
9600 Great Hills Trail, Suite 150W  
Austin, TX 78759

Kathleen M. LaValle  
Parick R. Cowlshaw  
Cohan, Simpson, Cowlshaw & Wulff  
2700 One Dallas Centre  
350 N. St. Paul  
Dallas, TX 75201

Robert A. Fox  
Dana Bradbury Green  
Foulston & Siefkin  
1515 Bank IV Tower  
534 Kansas Ave.  
Topeka, KS 66603

Genevieve Morelli  
Kelley, Drye & Warren  
1200 19th St. NW Suite 500  
Washington, DC 20036

Gabriel Garcia  
Mpower Communications  
7000 N. Mopac, 2nd Fl. Suite 2037-2039  
Austin, TX 7873 1

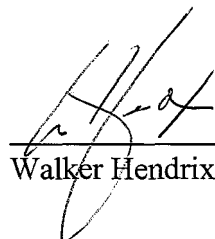
Stephen F. Morris  
MCI Telecommunication Corp.  
701 Brazos, Suite 600  
Austin, TX 78701

Andrew Buffmire  
Sprint Spectrum LP  
4900 Main St., 12th Fl  
Kansas City, MO 64112

Rob Marshall  
Kansas Cable Telecom. Assoc.  
P.O. Box 3306  
Lawrence, KS 66046-0306

Michael C. Sloan  
Swidler Berlin Shereff Friedman  
3000 K St. NW Suite 300  
Washington, DC 20007

Tricia Breckemidge  
Michael Duke  
KMC Telecom II, Inc.  
3025 Breckinridge Blvd. Ste 170  
Duluth, GA 30096

  
Walker Hendrix